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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,367	10/31/2003	Cynthia J. Zeiders	1706/38367A/1A-CIP	3042
279	7590	05/19/2005	EXAMINER CHEN, JOSE V	
Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd. 105 West Adams Street Suite 3600 Chicago, IL 60603			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,367

Applicant(s)

ZEIDERS, CYNTHIA J.

Examiner

José V. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/08/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rossborough. The patent to Rossborough teaches structure as claimed including horizontal member (66), support member (16), flexible strap (42, 36), clamps (fig. 2), means for adjusting the length of the support, the support member threadedly attached to the horizontal member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossborough. The patent to Rossborough teaches structure substantially as claimed, as discussed above, including clamp and dimension of structure. The use of a plurality of clamps and the particular dimension of the structure are matters of desirability which would have been obvious and within the level of ordinary skill in the art.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossborough in view of Uono. The patent to Rossborough teaches structure substantially as claimed, as discussed above including support member, the only difference being that the support member is not of two members threadedly mated. However, the patent to Uono (1, 3) teaches the use of such structure to be old. It would have been obvious and well within the level of one having ordinary skill in the art to modify the structure of Rossborough to include the support member of screw threadedly mated, as taught by Uono since such structures are conventional alternative structures used in the same intended purpose, thereby providing structure as claimed.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossborough as applied to the claims above, and further in view of Credle, Sr. The patent to Rossborough teaches structure substantially as claimed including horizontal member (66), support member (16), flexible strap (42, 36), clamps (fig. 2), means for adjusting the length of the support, the support member threadedly attached to the horizontal member, the only difference being that the horizontal member does not include receptacle structure. However, the patent to Credle, Sr. teaches an aperture and flexible members. It would have been obvious and well within the level of ordinary

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skill in the art to modify the structure of Rossborough to include an aperture and flexible member, as taught by Credle, Sr. since such structures are conventional alternative structures used in the same intended purpose, thereby providing structure as claimed.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Credle, Sr. in view of Rossborough. The patent to Credle, Sr. teaches structure substantially as claimed including a horizontal member (12), support member (17), aperture and flexible members, the only difference being the particular structure of the support member. However, the patent to Rossborough teaches particular support member structure. It would have been obvious and well within the level of ordinary skill in the art to modify the structure of Credle, Sr. to include a support member, as taught by Rossborough since such structures are conventional alternative structures used in the same intended purpose, thereby providing structure as claimed.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossborough and Credle, Sr., each in view of each other as applied to the claims above, and further in view of Rae. The patent to Rossborough and Credle, Sr each in view of each other teach structure substantially as claimed as discussed above including a horizontal member, the only difference being that the horizontal member does not include an aperture with a lid. However, the patent to Rae (at 40, 42) teaches the use of providing an aperture and lid structure at the horizontal member. It would have been obvious and well within the level of ordinary skill in the art to modify the structure of Rossborough to include an aperture and lid structure at the horizontal surface or to modify the structure of Credle, Sr. to include a lid member, as taught by

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Rae since such structures are conventional alternative structures used in the same intended purpose of providing a support, thereby providing structure as claimed.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossborough in view of Beltman. The patent to Rossborough teaches structure substantially as claimed, as discussed above including a horizontal member the only difference being that the horizontal member does not include a removable storage structure. However, the patent to Beltman teaches the use of a removable storage container (10). It would have been obvious at the time of the invention to modify the structure of Rossborough to include a removable container, as taught by Beltman since such structures are conventional alternative structures, thereby providing structure as claimed.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Credle, Sr. The patent to Credle, Sr teaches structure substantially as claimed as discussed above including a horizontal member with storage containers, the only difference being that a container is not removable. However, the patent to Beltman teaches the use of a removable storage container (10). It would have been obvious at the time of the invention to modify the structure of Credle, Sr. to include a removable container, as taught by Beltman since such structures are conventional alternative structures, thereby providing structure as claimed.

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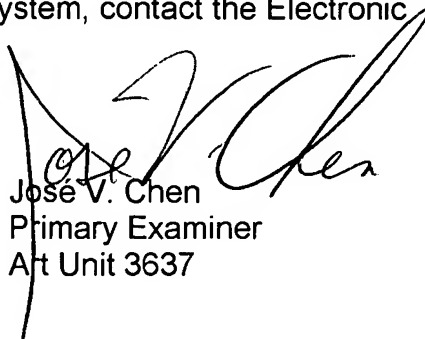
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Pforr, Zeiders, Sienkiewicz et al, Block et al, Rhoades, Boerma, Anderson, Shamoon, Buske teach structure similar to applicant's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (571)272-6865. The examiner can normally be reached on m-f, m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



José V. Chen
Primary Examiner
Art Unit 3637

Chen/jvc
05-16-05